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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,612	09/18/2003	Carlos A. Rivera-Cintron	7463-26	1435

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EXAMINER

LONG, FONYA M

ART UNIT	PAPER NUMBER
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3689

MAIL DATE	DELIVERY MODE
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10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/666,612

Applicant(s)

RIVERA-CINTRON, CARLOS A.

Examiner

FONYA LONG

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

The following is a Final Office Action in response to communications received July 23, 2008. Claims 1 and 4 have been amended. Claims 1-11 are currently pending and have been considered below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strub et al. (6,825,875) in view of Hayward et al. (7,336,266).

As per Claim 1, Strub et al. discloses a method of capturing audio, video, and additional sensory information during an event for presentation on a portable communication device (Abstract, discloses recording audio, video, and physiological (i.e. additional sensory information) information during an event), comprising:

recording a multimedia presentation of the event having video and audio (Col. 8, Lines 30-67, discloses recording a multimedia presentation of an event using a recording unit having video and audio recording capabilities); and

presenting the multimedia presentation on the portable communication device (Col. 41, Line 54-Col. 44, Line 21, discloses presenting the multimedia recording on a portable recording display device).

However, Strub et al. fails to explicitly disclose having haptic information simulating the motion experienced during the event; and a vibration device.

Hayward et al. discloses the use of haptic devices in conjunction with user-interface devices with the concept of combining haptic information simulating the motion experience during an event with the multimedia presentation recorded (Col. 4, Lines 6-36, discloses combining a haptic effect (i.e. haptic information) simulating the motion experienced during the event with sound (i.e. audio) and video of a recorded presentation (i.e. DVD, video, or video game)); and selectively activating a vibration device in accordance with the haptic information (Abstract; Col. 4, Lines 38-43, discloses a haptic device that provides haptic sensations such as vibrations to a user in contact with the device).

Therefore, from the teaching of Hayward et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hybrid recording unit device for use in recording an event of Strub et al. to include haptic information simulating the motion experienced during the event; and a vibration device as taught by Hayward et al. in order to provide a new modality of sensing and enhance human experiences when viewing the multimedia presentation.

As per Claim 2, Strub et al. discloses the step of recording an event participant's heartbeat simultaneously with the recording of the video and audio (Col. 8, Lines 44-67, discloses a recording unit adapted to record visual (i.e. video) and audio data in reference to an event simultaneously with physiological data (i.e. heart rate) of a participant).

As per Claim 3, Strub et al. discloses the claimed invention as applied to Claim 1, above. However, Strub et al. fails to explicitly disclose synchronizing haptic information with the multimedia presentation recorded.

Hayward et al. discloses the use of haptic devices in conjunction with user-interface devices with the concept of synchronizing the haptic information with the multimedia presentation recorded (Col. 4, Lines 6-36, discloses synchronizing via outputting a corresponding haptic effect with the multimedia presentation recorded (i.e. video or DVD).

Therefore, from the teaching of Hayward et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hybrid recording unit device for use in recording an event of Strub et al. to include synchronizing haptic information with the multimedia presentation recorded as taught by Hayward et al. in order to provide a new modality of sensing and enhance human experiences when viewing the multimedia presentation.

As per Claim 4, Strub et al. discloses a system of recording and distributing a multimedia presentation of an event experienced by a participant to a portable communication device (Col. 41, Line 54-Col. 44, Line 21, discloses recording a multimedia presentation on a portable recorder and presenting the multimedia recording on a portable recording display device), comprising:

at least one digital camera for recording the event experienced by the participant in a video presentation (Col. 14, Lines 16-58, discloses a digital video camera used for recording an event experienced by a participant); and

a processor for combining the haptic information with the video presentation forming the multimedia presentation (Col. 12, Lines 4-52, discloses a data processing device (i.e. processor) which compresses the audio and video data recording in order provide a display (i.e. presentation) of the audio and video).

Although, Strub et al. discloses a transmitter (Col. 12, Lines 4-52), Strub et al. fails to explicitly disclose the transmitter being wireless. Strub et al. also fails to explicitly disclose a haptic information generator and a vibration device.

Hayward et al. discloses the use of haptic devices in conjunction with user-interface devices with the concept of a haptic information generator for generating signals simulating the motion experienced at the event (Col. 2, Lines 32-49, discloses an actuator and a circuitry coupled together where the circuitry sends a signal to the actuator simulating the motion experienced at the event); a wireless transmitter for transmitting the multimedia presentation to a portable communication device (Col. 3, Lines 1-10, discloses a wireless transmitter configured to communicate between the processor and the actuator); and a vibration device (Abstract; Col. 4, Lines 38-43, discloses a haptic device that provides haptic sensations such as vibrations to a user in contact with the device).

Therefore, from the teaching of Hayward et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hybrid recording unit device for use in recording an event of Strub et al. to include a haptic information generator; a wireless transmitter; and a vibration device as taught by Hayward et al. in order to provide a display of the recorded audio and video data while

providing a new modality of sensing and enhancing the human experiences when viewing the presentation.

As per Claim 5, Strub et al. discloses a heart monitor for recording the heart beat of the participant simultaneously with the recording of the event (Col. 5, Lines 49-67, discloses an ECG monitoring device (i.e. heart monitoring device) being used simultaneously with the digital video camera).

As per Claim 6, Strub et al. discloses the event being selected from the group comprising an amusement ride, a parachute jump, a concert, a sporting event, and a travel adventure (Col. 2, Lines 55-65, discloses the event to include hiking (i.e. a travel adventure) or an amusement park).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an amusement park include amusement rides because it is old and well known that have rides at an amusement park.

As per Claim 7, Strub et al. discloses the event being an amusement ride (Col. 2, Lines 55-65, discloses the event to include an amusement park).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an amusement park to include amusement rides because it is old and well known to have rides at an amusement park.

However, Strub et al. fails to explicitly disclose the haptic information being a predetermined signal.

Hayward et al. discloses the use of haptic devices in conjunction with user-interface devices with the concept of the haptic information being a predetermined

signal (Col. 4, Lines 6-67, discloses the haptic information (i.e. haptic effect) being a predetermined signal (i.e. a control signal) that simulates the motion experience of the video and audio presentation).

Therefore, from the teaching of Hayward et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hybrid recording unit device for use in recording an event of Strub et al. to include haptic information being a predetermined signal as taught by Hayward et al. in order to provide a new modality of sensing and enhance human experiences when viewing the multimedia presentation.

As per Claim 8, Strub et al. discloses the event being recorded from the perspective selected from the group comprising the participant's face and the participant's visual field (Col. 15, Line 54 - Col. 16, Line 26, discloses the location of the recorded at with the visual data acquisition device is mounted being the recorder's head in order to obtain a visual point of view of the event).

3. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strub et al. (6,825,875) in view of Hayward et al. (7,336,266) and in further view of Abbott, III et al. (6,549,915).

As per Claim 9, Hayward et al. discloses synchronizing the multimedia presentation with the haptic information (Col. 4, Lines 6-36, discloses synchronizing via outputting a corresponding haptic effect with the multimedia presentation recorded (i.e. video or DVD). However, the Strub et al. and Hayward et al. combination fails to explicitly disclose a distribution computer.

Abbott, III et al. discloses a method for recording current state information about an event with the concept of a distribution computer that uploads the multimedia presentation (Abstract and Fig. 3, discloses a computer system that stores (i.e. uploads) video and audio data (i.e. multimedia presentation) about an environment).

Therefore, from the teaching of Abbott, III et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Strub et al. and Hayward et al. combination to include a distribution computer as taught by Abbott, III et al. in order to provide later retrieval of information to users so that the user may view the presentation at a future time.

As per Claim 10, Hayward et al. discloses synchronizing the multimedia presentation with the haptic information (Col. 4, Lines 6-36, discloses synchronizing via outputting a corresponding haptic effect with the multimedia presentation recorded (i.e. video or DVD). However, the Strub et al. and Hayward et al. combination fails to explicitly disclose a distribution computer.

Abbott, III et al. discloses a method for recording current state information about an event with the concept of a distribution computer that uploads the multimedia presentation and a heart rate file generated from the heart monitor (Abstract and Fig. 3, discloses a computer system that stores (i.e. uploads) video and audio data (i.e. multimedia presentation and (Col. 8, Lines 20-46) raw physiological data (i.e. heart rate data) about the user and the environment the user is in).

Therefore, from the teaching of Abbott, III et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Strub et

al. and Hayward et al. combination to include a distribution computer as taught by Abbott, III et al. in order to provide later retrieval of information to users so that the user may view the presentation at a future time.

As per Claim 11, Strub et al. discloses the claimed invention as applied to Claim 9, above. However, Strub et al. fails to explicitly disclose a monitor.

Hayward et al. discloses the use of haptic devices in conjunction with user-interface devices with the concept of a monitor for viewing at least a portion of the multimedia presentation (Col. 5, Lines 34-49, discloses a processor (i.e. computer) having a display screen which includes an LCD panel or a CRT monitor).

Therefore, from the teaching of Hayward et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hybrid recording unit device for use in recording an event of Strub et al. to include a monitor as taught by Hayward et al. in order to provide the user with the ability to view the recorded information.

Response to Arguments

4. Applicant's arguments filed July 23, 2008 have been fully considered but they are not persuasive.

As per Claim 1, Applicant's arguments have been considered but are moot in view of the new rejection based on the amended claim. Applicant's arguments refer to the amended claim limitations. Applicant's arguments have been addressed in the rejection stated above.

As per Claims 2 and 3, Applicant argues Hayward fails to disclose recording haptic in conjunction with events as actually experienced by a participant in an event. Examiner respectfully disagrees. Examiner asserts Strub et al. discloses recording an event as actually experienced by a participant in an event (Abstract; Col. 4, Line 20-Col. 5, Line 67). Hayward et al. discloses providing haptic when interacting with a computer or video system (i.e. an event). Examiner asserts it would have been obvious to modify the recording device of Strub et al. to include haptic information as taught by Hayward et al. in order to provide a realistic simulation of an event.

As per Claim 6, all rejections made towards the dependent claim are maintained due to the lack of reply by the applicant in regards to distinctly and specifically point out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111). The Examiner asserts that the applicant fails to explicitly stated how the prior art (Strub and Hayward) fails to disclose the claim limitations.

As per Claims 9-11, Applicant's arguments have been considered but are moot in view of the new rejection based on the amended claims. Applicant's arguments refer to the amended claim limitations. Applicant's arguments have been addressed in the rejection stated above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thur 7:30am-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3689

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. L./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689